

United States District Court

FILED

JUN 19 2007

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

v.

VICTOR MATA PEREZ

a/k/a JUAN MANUEL FIGUEROA RUIZ

(Name and Address of Defendant)

ORIGINAL

Venue: SAN FRANCISCO

CRIMINAL COMPLAINT

CASE NUMBER:

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

3.07 70349 BZ

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about June 18, 2007 in San Francisco County, in the Northern District of California defendant(s) did, falsely and willfully represent himself to be a citizen of the United States, in violation of Title 18 United States Code, Section 911 False Claim to United States Citizenship.

I further state that I am an Officer with the U.S. Department of Homeland Security, Bureau of Customs and Border Protection, and that this complaint is based on the following facts:

See attached Affidavit in Support of Criminal Complaint

Maximum Penalties:

Title 18 U.S.C., Section 911:

Three years of Imprisonment; \$250,000 fine; One year of supervised release; and a \$100 special assessment fee.

APPROVED AS TO FORM:

Derek Owens, SAUSA

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Warrant of Arrest Requested:

☐ Yes ☒ No

Bail Amount: _____

Signature of Complainant, Janet Bailey

Sworn to before me and subscribed in my presence,

June 20, 2007

Date

at San Francisco, California

City and State

Bernard Zimmerman

United States Magistrate Judge

Name & Title of Judicial Officer

Signature of Judicial Officer

4. On June 18, 2007, MATA PEREZ, the subject, arrived at the San Francisco International Airport from Mexico via United Air flight 820. The subject presented a United States passport, number 403174495, and signed Customs Declaration Form 6059B. The above documents were in the name of Juan Manuel FIGUEROA RUIZ, with a date of birth of October 31, 1973.

5. The subject was referred to Secondary Inspections for further questions regarding his nationality by Primary CBP Officer (CBPO) Hernandez-Falliner. In Secondary Inspection, presenting the United States passport to Officer Jason Johnson, the subject claimed to be a citizen of the United States, born in Puerto Rico on October 31, 1973. A fingerprint query of the subject was made in the Automated Biometric Identification System (IDENT) which resulted in a match to a previous entry under the name of Victor MATA PEREZ. When confronted with this information, the subject admitted his true identity is MATA PEREZ.

6. Subject was administratively interviewed by CBPO Johnson in Passport Control Secondary. Subject stated that his true name was Victor MATA PEREZ and that he was born in Mexico and that he was a citizen of Mexico. He stated that he had found the Puerto Rican Birth Certificate and Social Security Card in the name of FIGUEROA RUIZ in North Carolina. He further stated that he applied for and was issued a United States passport in the name of FIGUEROA RUIZ.

7. On June 18, 2007, I read the subject his Miranda Rights. The subject acknowledged and waived his Miranda Rights and made the following statements before myself and CBPO Johnson:

- a. His name is Victor MATA PEREZ;
- b. He is a citizen and national of Mexico;
- c. He was born on October 31, 1975;
- d. He found the United States Birth Certificate and Social Security Card in the name of Juan Manuel FIGUEROA RUIZ in North Carolina in 2003;
- e. He used the birth certificate to obtain a North Carolina Identification Card, 28585119, bearing his photo, in the name of FIGUEROA RUIZ;
- f. He applied for and was issued a U.S. passport using the North Carolina ID card and United States Birth Certificate in the name of FIGUEROA RUIZ;
- g. He knew that it was illegal for him to apply for the identification card and United States passport using the birth certificate that he found;
- h. He knew that it was illegal for him to use the identification card and United States passport, but used anyway to facilitate his entry into the United States;
- i. He has never filed for a legal name change anywhere in the world.

Conclusion

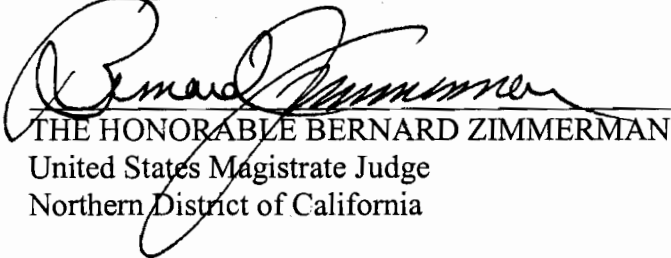
8. I respectfully submit that the above presented facts establish probable cause to believe that Victor MATA PEREZ did knowingly and willfully claim United States citizenship when he presented a false United States passport in the name of Juan Manuel FIGUEROA RUIZ to Customs and Border Protection officers at the San Francisco International Airport in violation of Title 18, United States Code, Section 911, False Claim to United States Citizenship, while in the Northern District of California.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.



Janet A. Bailey
CBP Officer
U.S. Bureau Customs and Border Protection
U.S. Department of Homeland Security

SWORN AND SUBSCRIBED TO BEFORE ME
THIS 19 DAY OF JUNE 2007,



THE HONORABLE BERNARD ZIMMERMAN
United States Magistrate Judge
Northern District of California